IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

ERIC R. MEYER,)	CASE NO. 8:04CV498
Plaintiff,)	
vs.)	ORDER
The CITY OF LINCOLN, NEBRASKA, a Municipal Corporation,)	
Defendant.))	

This matter is before the Court on the Plaintiff's Motion to Continue Deadline (Filing No. 44) for submission of a responsive brief to Defendant's Motion for Partial Summary Judgment (Filing No. 38). The Defendant, City of Lincoln ("City"), seeks summary judgment on the Plaintiff's Third Cause of Action in which the Plaintiff, Eric R. Meyer ("Meyer"), contends that he was constructively discharged from his employment with the Lincoln Police Department. In that cause of action, Meyer "alleges that he suffered harassment, discrimination, and retaliation so intolerable that a reasonable person in his same position would have felt compelled to resign as he did." (Complaint, Filing No. 1, ¶ 52).

The City's Motion for Partial Summary Judgment was filed on December 5, 2005, and any brief in opposition was due within 20 days. (NECivR 56.1(b)(2)). Because December 25, 2005, was a Sunday, and December 26, 2005, was a federal holiday, the responsive brief was due on December 27, 2005. (Fed. R. Civ. P. 6(a); NECivR 6.1(c)). The three-day grace period for mailing extended the due-date to December 30, 2005. (NECivR 6.1(b)). On December 16, 2005, Meyer moved to extend the deadline for an additional 60 days, arguing that depositions of important witnesses were needed before

he would be prepared to respond. The City opposed the motion for extension, arguing that the City and its lawyers have offered full cooperation in the scheduling of depositions; any delays were the fault of Meyer or his attorneys; and the City has offered to stipulate to an extension of the briefing deadline to January 13, 2006. (Filing No. 49).

The deadline for the taking of depositions in this case is February 1, 2006, and the final pretrial conference is scheduled for March 6, 2006. (Final Progression Order, Filing No. 20). The trial is now scheduled to begin on April 11, 2006. (Filing No. 29). Although it is unclear why Meyer may need the depositions of certain witnesses in order to present his opposition to the City's Motion for Partial Summary Judgment on a cause of action that appears to be based on alleged facts within Meyer's own knowledge, it should not work a hardship on the City nor on this Court to extend Meyer's deadline for responding to the Motion for Partial Summary Judgment to January 31, 2006.

IT IS ORDERED:

 The Plaintiff's Motion to Continue Deadline (Filing No. 44) is granted in part, and the Plaintiff shall submit any brief and index of evidence in response to the Defendant's Motion for Partial Summary Judgment (Filing No. 38) on or before January 31, 2006.

DATED this 3^{rd} day of January, 2006.

BY THE COURT:

s/Laurie Smith Camp Laurie Smith Camp United States District Judge